

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHASE McCLURE, *et al.*,

Plaintiffs

VS.

LIFE TIME FITNESS, INC.,

Defendant.

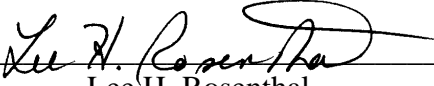
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CIVIL ACTION NO. H-13-1794

**ORDER**

At the August 5, 2013 hearing on the plaintiffs' motion to remand, the court found that Life Time Fitness did not waive its right to removal and that there was no final judgment in the state court case that would bar removal. The court did not rule on whether service on Life Time was effective so as to make removal untimely. (Docket Entry No. 15). After the hearing, the plaintiffs supplemented their remand motion. (Docket Entry No. 14). Life Time has until **August 30, 2013** to file a response addressing whether the type of appearance it entered in the state court — general or special — affected the finality of the state court judgment and the timeliness of removal. The plaintiffs have until **September 13, 2013** to file a reply.

SIGNED on August 20, 2013, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge